

### **REMARKS**

Claims 1-21 are pending in the present application, of which claims 12-21 are withdrawn from consideration. Claims 1-11 are rejected. Claim 1 is herein amended.

#### **Rejections under 35 USC §102(b)**

**Claims 1, 2 and 4-11 were rejected under 35 USC §102(b) as being anticipated by figure 12 of acknowledged prior art (APA).**

In response to Applicant's argument, the Examiner noted as follows:

. . . it is clear that in (APA) or Koga, the directions of the front facet and the rear facet of the cavity can be distinguished by the shape or arrangement of at least one of the two electrodes. One of ordinary skill in the art would be able to distinguish the directions of the front facet and the rear facet of the cavity based on the shape or arrangement of at least one of the two electrodes in (APA) or Koga since the front facet and the rear facet are structurally arranged around the area of at least one of the two electrodes therein.

Claim 1 has been amended to recite "wherein at least one of said first and second ohmic electrodes is formed in such a shape or arrangement that the directions of the front facet and the rear facet of said cavity of said nitride based semiconductor layer can be distinguished, and wherein one of said first and second ohmic electrodes can be observed through said transparent substrate and said nitride based semiconductor layer from the other side of said first and second ohmic electrodes."

APA, however, does not teach or suggest such recitations. In Fig. 12 of the present drawing, the n electrode 60 and the p electrode 61 both have square or rectangular shape. Neither of the ohmic electrodes is formed in such a shape or arrangement that the directions of the front facet and the rear facet of the cavity of said nitride based semiconductor layer can be

distinguished. Also, neither of the ohmic electrodes can be seen through the substrate from the other side.

In contrast, according to the present invention, as shown in Figs. 1, 3, 5, 7 and 9, at least one of the ohmic electrodes is formed in such a shape or arrangement that the directions of the front facet and the rear facet of said cavity can be distinguished. Also, one of the ohmic electrodes can be seen through the transparent substrate and the nitride based semiconductor layer from the other side. Thus, the forward and backward directions along the cavity length of the nitride based semiconductor layer can be easily distinguished by the shape or arrangement of at least one of the electrodes.

For at least these reasons, claim 1 patentably distinguishes over APA. Claims 2 and 4-11, depending from claim 1, also patentably distinguish over APA for at least the same reasons.

**Claims 1 and 3-11 were rejected under 35 USC §102(b) as being anticipated by Koga (U.S. Patent No. 5,727,008).**

In so doing, the Examiner asserted that “Koga discloses on figure 8 all the structures set forth in the claimed invention.”

Koga, however, does not disclose the structure. In Fig. 8 of Koga, the shape of n-side electrode 21 is identical to that of p-side electrode 20. Also, in Fig. 7 of Koga, although the p-side electrode extends along the direction of the cavity length, the ohmic electrode is formed in such a shape and arrangement that a front facet side is symmetrical with a rear facet side. Thus, the forward and backward directions along the cavity length cannot be distinguished by the shape or arrangement of these electrodes.

According to the present invention, as already discussed above, at least one of the ohmic electrodes is formed in such a shape or arrangement that the directions of the front facet and the rear facet of said cavity of said nitride based semiconductor layer can be distinguished. Thus, the forward and backward directions along the cavity length of the nitride based semiconductor layer can be easily distinguished by the shape or arrangement of at least one of the electrodes.

Moreover, Koga does not teach or suggest “wherein one of said first and second ohmic electrodes can be observed through said transparent substrate and said nitride based semiconductor layer from the other side of said first and second ohmic electrodes,” as recited in amended claim 1.

For at least these reasons, claim 1 patentably distinguishes over Koga. Claims 3-11, depending from claim 1, also patentably distinguish over Koga for at least the same reasons.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

Serial No. 09/888,419  
Amendment dated November 19, 2003  
Reply to Office Action of July 31, 2003

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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